

## REMARKS

This paper is filed in response to the Office Action mailed on April 9, 2008. Presently, Claims 1-17 and 19-30 are pending. Claims 4-14, 21, and 22 are withdrawn from consideration as being drawn to a non-elected species. Claims 1, 17, 19, 23, 27, 28, and 30 have been examined and stand rejected. Reconsideration of Claims 1, 17, 19, 23, 27, 28, and 30 is respectfully requested.

### The Rejection of Claims 1, 17, 19, 23, 27, 28, and 30 Under 35 U.S.C. § 102(b)

Claims 1, 17, 19, 23, 27, 28, and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0009320 A1 (Couderc et al.).

Couderc et al. discloses a binding system for a snowboard boot. Couderc et al. discloses a single triangular-shaped cover that is placed over the boot and extends over the upper surface of the boot. The cover is connected to the medial side of the binding at one end and at a forward and rear end on the lateral side of the binding. A latch is located at the medial side of the binding, thus, creating a 3-point attachment system. Referring to Figure 7, the cover 100 includes an inner end 101, a first outer end 102, and a second outer end 103. The connection for applying tension includes a latch 104 affixed to the cover 100 and a rack 105 affixed to the inner side of the binding.

The cover 100 disclosed by Couderc et al. has a first and second end on the lateral side, but only one end on the medial side.

Claims 1, 17, and 19 have been amended to recite a toe strap including a first end and a second end, and an ankle strap including a first end and a second end. For a reference to be anticipatory, the reference must exactly disclose the claimed invention. Because Couderc et al. discloses a cover with two lateral ends and only one medial end, the reference is not anticipatory.

Furthermore, Couderc et al. does not disclose or remotely suggest an ankle strap with a first end and a second end and a toe strap with a first end and a second end.

Accordingly, the withdrawal of the rejection is respectfully requested.

Allowable Subject Matter

Claims 24-26 and 29 are allowed. Claims 2, 3, 15, 16, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

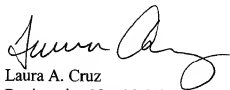
Applicant acknowledges with appreciation the indication of allowable subject matter.

CONCLUSION

In view of the foregoing amendments and remarks, applicant submits that all claims are allowable. If the Examiner has any further questions or comments, the Examiner may contact the applicant's attorney at the number provided below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Laura A. Cruz  
Registration No. 46,649  
Direct Dial No. 206.695.1725

LXC:aew